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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: :
: Case No. 05-44481 (RDD)
DPH HOLDINGS CORP., et al., : (Jointly Administered)
: Chapter 11
Reorganized Debtors. :
-----X
DELPHI CORPORATION, et al. :
: Plaintiffs, :
: Adv. No. 07-02551 (RDD)
-against- :
: VICTORY PACKAGING and :
VICTORY PACKAGING LP, :
: Defendants. :
-----X

**NOTICE OF FILING OF DECLARATION OF LEAH BORRELLO, AND JOINDER IN
METHODE ELECTRONICS, INC.'S OPPOSITION TO THE REORGANIZED
DEBTORS' MOTION FOR LEAVE TO FILE AMENDED COMPLAINTS, IN SUPPORT
OF VICTORY PACKAGING LP'S OPPOSITION TO REORGANIZED DEBTORS'
MOTION FOR LEAVE TO FILE AMENDED COMPLAINTS**

Victory Packaging LP ("Victory"), by and through its undersigned counsel, and in further support of its opposition to the Reorganized Debtors' Motion for Leave to File Amended Complaints (the "Motion to Amend") against various preference defendants (collectively, the "Defendants"), including Victory, respectfully states:

PROCEDURAL POSTURE

1. After the dismissal of the initial complaint filed in this matter against Victory, the Reorganized Debtors filed the Motion to Amend, on or about September 7, 2010.

2. Thereafter, Victory responded by filing its brief in Opposition to the Motion to Amend, on November 23, 2010.

3. The Reorganized Debtors filed their Omnibus Reply in Further Support of the Motion to Amend, on or about January 28, 2011.

4. Victory filed its Sur-Reply and Joinder in Further Support of its Opposition to the Motion to Amend, on June 14, 2011.

5. At the hearing on the Motion to Amend held on June 21, 2011, the Court considered the various arguments that Victory and the other Defendants raised in opposition to the Motion to Amend and authorized the parties to take certain actions. In particular, the Court authorized any Defendants that did not receive timely notice of the *Supplemental Motion Pursuant to Fed. R. Bankr. P. 7004(a) and 9006(b)(1) and Fed. R. Civ. P. 4(m) to Extend Deadline to Serve Process for Avoidance Actions Filed in Connection with Preservation of Estate Claims Procedures Order* [Docket No. 18952] (the “Fourth Extension Motion”) to file a declaration to that effect within three weeks of the hearing.

ALLEGATIONS

6. The Debtors in the above-captioned cases filed four separate motions, between 2007 and 2009, for orders extending the deadline to serve process in the within adversary proceeding. These motions (collectively, the “Extension Motions”) include:

- a. Preservation of Estate Claims Procedure Motion, filed August 6, 2007 (“First Extension Motion”) [Docket No. 8905];
- b. Extension of Avoidance Action Service Deadline Motion, filed February 28, 2008 (“Second Extension Motion”) [Docket No. 12922];
- c. Postconfirmation Extension of Avoidance Action Service Deadline Motion, filed April 10, 2008 (“Third Extension Motion”) [Docket No. 13361]; and
- d. The Fourth Extension Motion.

7. Four orders were entered as a result of the Extension Motions (collectively, the “Extension Orders”):

- a. Preservation of Estate Claims Procedure Order, entered August 16, 2007 [Docket No. 9105] (“First Extension Order”);
- b. Extension of Avoidance Action Service Deadline Order, entered March 28, 2008 [Docket No. 13277] (“Second Extension Order”);
- c. Postconfirmation Extension of Avoidance Action service Deadline Order, entered April 30, 2008 [Docket No. 13484] (“Third Extension Order”); and
- d. Postconfirmation Extension of Avoidance Action service Deadline Order, entered October 22, 2009 [Docket No. 18999] (“Fourth Extension Order”).

8. Affidavits of Service filed by the Debtors regarding each of the Extension Motions reflect only ECF notice to Thompson & Knight LLP, as a law firm listed on the Debtors’ 2002 service list.

9. Victory submits the *Declaration of Leah Borrello in Support of Victory Packaging’s Opposition to Reorganized Debtors’ Motion for Leave to File Amended Complaints* attached hereto as Exhibit A, confirming that Victory has no record that it received the Extension Motions by overnight mail or first-class U.S. mail.

ARGUMENT

10. Victory joins in the arguments set forth in Methode Electronics, Inc.’s Opposition to the Reorganized Debtors’ Motion for Leave to File Amended Complaints [Docket No. 21446] at Section D, entitled “The Extension Motions Misrepresented Compliance With This Court’s Supplemental Case Management Order.” In connection therewith, Victory has reviewed its

business records which contain no evidence that Victory was ever served with any of the Extension Motions by overnight mail (or postage pre-paid U.S. mail) (Borrello Decl. ¶ 3).

11. Although, arguendo, when the First Extension Motion was filed by the Debtors they could have articulated a reason not to identify and individualize service upon each of the Defendants in the adversary proceedings to protect supplier relationships, by the time the Fourth Extension Motion was filed, this reason no longer existed and there was no reason not to individualize service and identify the respondents to the Motion.

RELIEF REQUESTED

12. Based on all of the foregoing and the attached Declaration of Leah Borrello, Victory respectfully requests that the Motion to Amend be denied as to Victory on a final basis and that the Court grant such other and further relief as it deems just and proper.

Dated: New York, New York
July 12, 2011

Respectfully submitted,

THOMPSON & KNIGHT LLP

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